

Atty's Dkt: **IAPI2 Rec'd PCT/PTO 10 OCT 2006**

In re Application of:  
 Jurgen BEYER et al.  
 Serial No. 10/551,896  
 IA Filing Date: April 2, 2004  
 For: METHOD FOR ANALYZING THE INTERFERENCE...

) Application Division  
 ) **ATTN: PCT**  
 ) Washington, D.C.  
 ) Confirmation No. 3431  
 ) Date: October 10, 2006

LATE SUBMISSION OF DECLARATION AND/OR TRANSLATION IN APPLICATION FILED UNDER 35 USC 371

U.S. Patent and Trademark Office  
 Customer Service Window  
 Randolph Building, Mail Stop Missing Parts  
 401 Dulany Street  
 Alexandria, VA 22314

Sir:

The present communication is in response to the "NOTICE OF MISSING REQUIREMENTS UNDER 35 USC 371..." dated August 8, 2006. Attached hereto is/are:

- [XX] An executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title, PCT information and priority information.
- [ ] An exact English language translation of the PCT application as originally filed.
- [ ] Exact English language translation of the Annexes to the International Preliminary Examination Report containing substitute pages \_\_\_ of the specification and new claims \_\_\_ to be used for examination.
- [XX] A Preliminary Amendment [XX] Fees are reduced due to elimination of claim multiple dependencies.
- [ ] Copy of the "Sequence Listing" in computer readable form (CRF) and statement that contents of the CRF are the same as the paper copy.
- [XX] An Information Disclosure Statement with 08A- 1449 and 4 references.
- [XX] Communication regarding translation of Annexes
- [ ] Additional fees as calculated below:

Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than [ ] 20 [X] 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$130.00
Number of each additional 50 pages or fraction thereof (round up to a whole number)	RATE	
	X \$250.00	
Number of Claims Previously Paid For	Number of Extra Claims	Rate
14- 20 =	0	X \$ 50.00
2- 3 =	0	X \$200.00
Multiple Dependent Claims (if applicable)		+ \$360.00
<b>TOTAL OF ABOVE CALCULATIONS</b>		\$130.00
Reduction of 1/2 for filing by small entity, if applicable. Applicant claims small entity status. See 37 CFR 1.27.		<\$ >
<b>SUBTOTAL</b>		\$130.00
Processing fee of <b>\$130.00</b> for late furnishing of the English translation.		\$
<b>TOTAL NATIONAL FEE</b>		\$130.00

- [ ] Surcharge for late filing of the Declaration was paid on \_\_\_\_\_.
- [ ] It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a). The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:

Small Entity		
Response Filed Within		
[ ] First	-	\$ 60.00
[ ] Second	-	\$ 225.00
[ ] Third	-	\$ 510.00
[ ] Fourth	-	\$ 795.00
[ ] Fifth	-	\$1,080.00

month after time period set

Other Than Small Entity		
Response Filed Within		
[ ] First	-	\$ 120.00
[ ] Second	-	\$ 450.00
[ ] Third	-	\$1,020.00
[ ] Fourth	-	\$1,590.00
[ ] Fifth	-	\$2,160.00

month after time period set

[XX] Total fees enclosed: \$130.00

[XX] Credit Card Payment Form, PTO-2038, authorizing payment the amount of \$130.00 is enclosed to cover the above fees.

[XX] Conditional Petition for Extension of Time:

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

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 Attorneys for Applicant(s)

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Sheridan Neimark

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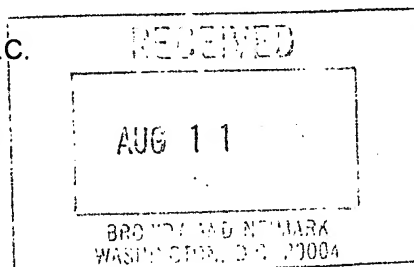


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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 www.uspto.gov

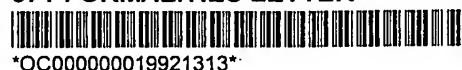
U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/551,896	Jurgen Beyer	BEYER1

1444  
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INTERNATIONAL APPLICATION NO.	
PCT/DE04/00715	
I.A. FILING DATE	PRIORITY DATE
04/02/2004	04/04/2003

CONFIRMATION NO. 3431  
 371 FORMALITIES LETTER



\*OC000000019921313\*

Date Mailed: 08/08/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 10/04/2005
- Copy of the International Search Report filed on 10/04/2005
- Copy of IPE Report filed on 10/04/2005
- Copy of Annexes to the IPE filed on 10/04/2005
- Request for Immediate Examination filed on 10/04/2005
- U.S. Basic National Fees filed on 10/04/2005
- Priority Documents filed on 10/04/2005
- Non-English Language Application filed on 10/04/2005
- Specification filed on 10/04/2005
- Claims filed on 10/04/2005
- Abstracts filed on 10/04/2005
- Drawings filed on 10/04/2005

*ASP/PE. AMO/IDS: 080C2006.*

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

Additionally the following defects have been observed:

- Annexes have not been entered because the annexes is a foreign text.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/551,896	PCT/DE04/00715	BEYER1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Atty. Docket: BEYER1
Jurgen BEYER et al.	) Conf. No.: 3431
	)
IA No.: PCT/DE04/00715	)
	) Washington, D.C.
IA Filed: April 2, 2004	)
	)
U.S. Appln. No.: 10/551,896	)
	) October 10, 2006
For: METHOD FOR ANALYZING THE	)
INTERFERENCE AND SUPPLY...	)

COMMUNICATION

U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building, Mail Stop OIPE  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Attached hereto please find the exact English language translation of the Annexes. These pages are to be used for examination in this case. Accordingly, please substitute new specification pages 1-2a for original specification pages 1-2 and new claims 1-14 for original claims 1-8.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
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